

EXHIBIT 27

to

**DECLARATION OF ABIGAIL WALD IN SUPPORT
OF DEFENDANT CITY AND COUNTY OF SAN
FRANCISCO'S OPPOSITION TO PLAINTIFFS'
MOTION FOR PRELIMINARY INJUNCTION**

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7 CORRECTED IN THE FINAL CERTIFIED TRANSCRIPT.

8

9 THE VIDEOGRAPHER: Good morning. Here
10 begins media number one in the deposition of Isabel
11 Manchester, the person most knowledgeable for
12 Phoenix Hotel San Francisco, LLC and Funky Fun LLC,
13 in the matter of Jane Roe, Mary Roe, Susan Roe, et
14 al, vs. The City and County of San Francisco, being
15 heard in the United States District Court, the
16 Northern District of California, Case No. 424CV01562
17 JST.

18 Today's date is Wednesday, September 17,
19 2025. The time on the video monitor is
20 approximately 10:06 a.m. Pacific time. The video
21 operator today is Steve Patapoff, contracted by
22 Behmke Reporting & Video Services, Incorporated.
23 This video deposition is taking place at 1390 Market
24 Street, 7th Floor, San Francisco, California 94102,
25 and was noticed by John George, Deputy City Attorney

1 Q. In the last six months, has an -- have the
2 conditions improved around the Phoenix such that
3 there's less fear of physical harm?

4 A. Around the Phoenix, yes.

5 Q. And does that cone sewed with the sort of
6 six-month period that we've been talking about where
7 things have improved?

8 A. Yes.

9 Q. Moving on to the next one, so open drug use,
10 when was the first time that you noticed open drug
11 use as a nuisance in that vicinity Larkin Street and
12 Eddy Street around the Phoenix?

13 A. I would say around the same time, when I
14 recognized it as a nuisance.

15 Q. And what -- what made it a nuisance from
16 its. Was there open drug use prior to 2020 in that
17 -- those immediate streets of Eddy and Larkin around
18 the Phoenix?

19 A. I don't know for a fact, but I'm not going
20 do say there wasn't. But I know that after 2021 or
21 the period of time 2020 that I'm talking about, it
22 was obvious -- like before maybe someone was doing a
23 drug they would try to hide it a little bit you
24 know, you kind of couldn't really tell they were
25 doing a drug. But after that it was so prevalent

1 A. On this document?

2 Q. Yeah?

3 A. Yes.

4 Q. And it says this is unacceptable and can no
5 longer be tolerated. Did you follow up after this
6 particular date on September 2nd with any city
7 officials or any city employees about the problem?

8 A. Yes.

9 Q. And how did they respond?

10 A. I have written many emails to city officials
11 along the time, and they would respond with all
12 kinds of answers, like we understand, you know --
13 what you would expect them to say, we understand, we
14 agree this is unacceptable, we just want to you know
15 we are working on solutions, et cetera.

16 Q. And did those solutions come?

17 A. So that's a difficult question to answer.

18 Did the solutions come? I'm sitting here now six
19 months of what I feel like is a better place. So
20 solutions have come. Did the solutions come then,
21 no, they didn't. This process and this fight was
22 years, years of -- again the other thing I think is
23 important I'm not a city official and I do not know
24 what happens behind the scenes. I don't know what
25 the mayor is telling people to do. I didn't even

1 really know much about politics before all of this
2 started. So I don't know what people were trying to
3 do to help. All I know is a person running and
4 operating a business it didn't feel like we were
5 getting any hope.

6 Q. Do you feel like you're actually now getting
7 results of the city trying to assist and clean up
8 the streets immediately around the Phoenix?

9 A. I am seeing that the neighborhood, so right
10 around the Phoenix has seen improvement. But I also
11 know that that -- that my problem has moved
12 elsewhere, in the Tenderloin my problem has just
13 moved elsewhere. I know we're talking about the
14 Phoenix and the Larkin street, but my problem is
15 also very much further up on Larkin where the cove a
16 hotel was. So when we talk about the issues I know
17 I'm a representative of the Phoenix and the Funky
18 Fun, but our issues are bigger than just my -- like
19 the little corner wall of where my business is
20 because my guests have to come to the Tenderloin and
21 the problems are still exist. They just moved
22 somewhere else.

23 Q. So the -- any nuisance anywhere in the
24 Tenderloin is -- in your position, interferes with
25 the -- with the operations at the Phoenix or

1 car parked there. Is that the entry point for
2 trespassers that set fires that we were talking
3 about earlier?

4 A. Yes.

5 Q. Okay. All right thanks. You can set that
6 off to the side. I'm going to introduce exhibit
7 number 12?

8 (Whereupon Exhibit # was marked for
9 identification.)

10 BY MR. GEORGE:

11 Q. Exhibit number 12 is a Google street view
12 photo that was printed off of Google and it's from
13 six '04 Eddy Street and in the top left corner of
14 the page with the photograph on it it says
15 December 2024. Do you recognize the location her
16 this photo was taken?

17 A. Yes.

18 Q. And do you see the Chambers and the Phoenix
19 there?

20 A. Yes.

21 Q. And is that the -- sorry. I didn't mean to
22 cut you off. Yes?

23 A. Yes.

24 Q. Okay. Thanks. Do you see the entrance to
25 Chambers on the right-hand side of this photo?

1 A. Yes.

2 Q. And do you see any of the nuisances that
3 we've talked about today in this photo?

4 A. No.

5 Q. There's a gate in front of the door,
6 correct, over at Chambers?

7 A. Yes.

8 Q. Who installed that gate?

9 A. It's not a gate. It's a -- what do you call
10 those things when you're having an event. It's just
11 blocking, you put them up. Anybody? They're like
12 -- it's not a gate but whatever.

13 Q. It's a metal barrier?

14 A. Barrier, thank you. We put it there.

15 Q. Okay. And was that to help cut down on
16 people using that entryway to do the various things
17 they were doing?

18 A. Yes.

19 Q. Okay. And is the -- I think I asked. But
20 is there any of the problems that we've talked about
21 the street conditions that were problematic and a
22 nuisance pictured in this photo?

23 A. No.

24 Q. Okay. Do you have any reason to doubt this
25 this accurately portrays the sidewalk when it was

1 taken in December 2024?

2 A. No.

3 Q. Do you specifically recall any of the

4 problems that we were talking about earlier

5 occurring in December of 2024 on the -- this stretch

6 of Eddy Street that's pictured in the photo?

7 A. Not particularly, but I think that I -- I

8 think that it was November that I felt that things

9 got better. So that sort of transaction

10 potentially.

11 Q. Okay?

12 A. With the fact that it looks better.

13 THE VIDEOGRAPHER: Sorry. I'm getting a lot

14 of noise from the air. Thank you.

15 MR. GEORGE: Sensitive.

16 THE VIDEOGRAPHER: Scraping, brushing.

17 BY MR. GEORGE:

18 Q. I'm going to introduce exhibit number 13?

19 (Whereupon Exhibit # was marked for

20 identification.)

21 BY MR. GEORGE:

22 Q. Exhibit 13 is another Google street view

23 photo on -- from November of 2021 at six '04 Eddy

24 Street and do you recognize the scene that's in this

25 photograph?

1 picture in April of 2019 accurately reflects how the
2 street looked at this time that the photo was taken?

3 MR. MINOIEFAR: Object to form.

4 THE WITNESS: No, I don't. I believe -- I'm
5 trusting that Google view does that. But this is
6 not my experience and I know that you're not here
7 asking me if the streets were clean because you I
8 know you're not trying to be offensive. So this is
9 not my experience of 2021.

10 BY MR. GEORGE:

11 Q. This photo that's dated April 2019, is that
12 your experience in April of 2019?

13 A. Yes. It is. And this is not my experience
14 in 2021. So I appreciate this and I am getting
15 emotional and I know I shouldn't that we can pull
16 out a bunch of Google pictures at certain times that
17 look great. That's awesome. But that is not my
18 experience.

19 Q. I'm going to introduce exhibit number --
20 what am I on? I'm on 16.

21 (Whereupon Exhibit # was marked for
22 identification.)

23 BY MR. GEORGE:

24 Q. And exhibit number 16 is another Google
25 image from 614 Eddy Street. This one is dated

1 December 2024. Do you recognize the scene that's in
2 the photo?

3 A. I do.

4 Q. And this is -- it's primarily the parking
5 lot and the entrance to the Phoenix hotel. Is that
6 correct?

7 A. Yes. It is.

8 Q. And do you see any of the nuisances that
9 we've been talking about today in this photo?

10 A. No, I don't.

11 Q.

12 A. But this is not December of 2024.

13 Q. Sorry?

14 A. This -- let me see something. Okay. Go
15 ahead.

16 Q. Do you have a reason to doubt that this
17 photo was taken in December of 2024?

18 A. No.

19 Q. And does this -- is this photo here
20 consistent with your experience of the street
21 conditions in what's pictured in the photo in
22 December of 2024?

23 A. Yes.

24 Q. And this is after things started to improve
25 in November of 2024. Is that correct?

1 A. Yes.

2 Q. Okay. I'm going to introduce another one.

3 This is going to be -- this is going to be

4 Exhibit 17.

5 (Whereupon Exhibit # was marked for

6 identification.)

7 BY MR. GEORGE:

8 Q. And this is a similar view as the previous

9 exhibit. This is a Google street view photo from

10 six '04 Eddy Street and it's dated March of 2022.

11 Do you recognize the scene that's in this photo?

12 A. Yes. I recognize where it is.

13 Q. And it's in front of the Phoenix parking lot

14 and pictures the corner. Is that correct?

15 A. Yes.

16 Q. And do you see any of the nuisances that

17 we've been talking about to the in this photograph?

18 A. No.

19 Q. And do you -- do you have any thought about

20 why that might be?

21 A. I'm assuming because you're doing massive

22 construction.

23 Q. This photo shows a -- looks like a lot of

24 roadwork is being done by people in yellow vests and

25 cutting up a part of the street. Is that correct?

1 action that have caused the nuisances. Is that
2 correct?

3 A. Yes.

4 Q. How have you determined the -- let me
5 withdraw that. How has the Phoenix and Chambers
6 determined that these four items listed in exhibit
7 number four are the cause of the nuisance?

8 MR. MINOIEFAR: Object to form.

9 THE WITNESS: So how have we determined that
10 they are the cause?

11 BY MR. GEORGE:

12 Q. Correct.

13 A. Well, you know -- let's see. It's very
14 obvious that the city was allowing unlawful activity
15 to happen. You know, it's illegal as far as you I
16 know to sell drugs and to do drugs in public. I
17 don't think it's even legal to live on the street.
18 I think that urinating is legal. But that was
19 allowed to happen. No problems. No laws in the
20 Tenderloin. So that's one reason. Yeah, they --
21 the shelters in place, the co hoe hotel for example
22 was very detrimental for the neighborhood. Even the
23 linked -- there was no trying to remove people from
24 the street helping you on the street, helping you to
25 stay on the street, giving you safe injection sites

1 that help enable the problem. That's what I feel
2 the city did. They enabled the problem, they didn't
3 help fix the problem.

4 Q. When did the Cova hotel close?

5 MR. MINOIEFAR: Object to form.

6 THE WITNESS: I don't know exactly. And in
7 which iteration? When did it close as a hotel?

8 BY MR. GEORGE:

9 Q. Sorry. Yeah. Let me reask that the
10 question. That was a terrible question.

11 It was being used as a homeless shelter,
12 right?

13 A. Yes.

14 Q. When did it cease being used as a homeless
15 shelter?

16 MR. MINOIEFAR: Object to form.

17 THE WITNESS: I think just very recently.

18 BY MR. GEORGE:

19 Q. Beginning of this year. Is that around the
20 time?

21 A. Yes.

22 Q. And have there been any improvements on the
23 streets since the Cova hotel closed?

24 A. Yes.

25 Q. And do you have any -- any understanding

1 Q. And so it's the pail you're to do that
2 something else that is the reason why the person is
3 not getting off of the drug. Is that correct?

4 MR. MINOIEFAR: Object to form.

5 THE WITNESS: You could look at it a
6 different way. Somebody's old pipe might eventually
7 get so old that they can't smoke out of it. So now
8 we are giving them a new pipe.

9 BY MR. GEORGE:

10 Q. Have you -- are you familiar with the --
11 with the corner stores and the various markets that
12 are in the Tenderloin?

13 A. Yes.

14 Q. And are you -- do you understand them to
15 sell pipes and other smoking supplies?

16 A. Yes.

17 Q. And do you understand that especially peel
18 steal from those stores to take those supplies?

19 MR. MINOIEFAR: Object to form.

20 THE WITNESS: I imagine that they do. I'm
21 not surprised to hear that.

22 BY MR. GEORGE:

23 Q. Going back to the earlier question about a
24 new pipe versus the old pipe, if a person is
25 addicted to a drug and they can no longer use their

1 Q. And why not?

2 A. Why would it not surprise me?

3 Q. Yeah?

4 A. Because I think that we are a liberal city
5 that has always been about that kind of sort of
6 thought process and what happened after COVID is
7 that thought process got out of control, got out of
8 hand.

9 Q. And so is the -- did the distribution of
10 needles from the 1990s all through the early two
11 thousands, did that cause any of the nuisance that
12 you are specifically pin pitting starting after
13 COVID?

14 A. No. I don't think so.

15 Q. How close is the Phoenix to glide. It's?

16 A. It's fairly close but I don't know exactly
17 on a map where it is.

18 Q. Does -- do you know if glide distributes
19 smoking supplies?

20 A. My understanding is it does.

21 Q. What's that understanding based on?

22 A. People telling me, telling us.

23 Q. Does the distribution of smoking supplies at
24 glide affect the Phoenix or Chambers in a negative
25 way?

1 MR. MINOIEFAR: Object to form.

2 THE WITNESS: Yes.

3 BY MR. GEORGE:

4 Q. How so?

5 A. I think that it's -- you know, there's a lot
6 of people that are talking about congregation of
7 activities in front of glide as being also very
8 negative right now.

9 Q. Do people who get drug supplies from Glide
10 do those drugs in front of the Phoenix or Chambers?

11 A. I have no idea.

12 Q. Have you ever talked to anybody who was
13 doing drugs in front of the Phoenix or in front of
14 Chambers and they told you specifically that they
15 got supplies from Glide?

16 A. No.

17 Q. Do you have any understanding of where those
18 people got their drug supplies who were doing drugs
19 in front of Phoenix or Chambers?

20 A. No.

21 Q. Can you identify a gang member by -- just by
22 looking at them?

23 A. No, not generically, no.

24 Q. Okay. I think we can take a break now and
25 then I will go through my stuff, and hopefully we

1 like you have a problem and we fixed it and
2 everybody come back. There's just this sentiment.
3 Unfortunately, that is everywhere, and you can't --
4 even events, still now, that I tell you it looks
5 great, six months looks great. But if I'm trying to
6 book holiday parties, you still have all of the C --
7 the CEOs that know nothing about our block and our
8 oasis, they say oh, the Tenderloin, I can't bring my
9 people to the Tenderloin. So that's going to take a
10 long time to recover from.

11 BY MR. GEORGE:

12 Q. Do you think that their perception of how it
13 is matches the reality that you see today?

14 MR. MINOIEFAR: Object to form.

15 THE WITNESS: My little teeny block, my
16 corners look good, better than they ever have
17 before, and I tell clients that, like no just come,
18 come through, park in the thing, it's great. I
19 think that the Tenderloin still -- and I still see
20 reviews regularly that talk about the rest of the
21 Tenderloin. Sometimes it surprises me when I read
22 those reviews because I'm thinking things look great
23 and they -- it's a very similar review. So --

24 BY MR. GEORGE:

25 Q. If the city and the city-supported

1 non-profits, like glide or SF AIDS foundation,, if
2 they stopped distributing the smoking supplies and
3 needles, would you continue the lease or attempt to
4 continue the lease?

5 MR. MINOIEFAR: Object to form.

6 THE WITNESS: I feel like if I felt that the
7 city were going to dedicate effort and energy into
8 making sure that the Tenderloin had the same -- were
9 treated the same as other neighborhoods in the city
10 and could be maintained in the cleanliness and we
11 could change this perception that people have of the
12 Tenderloin, I would love to raise money and stay on,
13 yes.

14 BY MR. GEORGE:

15 Q. If the only thing that changed was that no
16 more drug smoking supplies or drug injecting
17 supplies were handed out, would you feel the same
18 way? Would you try to continue and continue the
19 business?

20 MR. MINOIEFAR: Object to form.

21 THE WITNESS: I don't know about that. I
22 don't know that that would just alone do it.

23 BY MR. GEORGE:

24 Q. Do you think it would? Do you think if
25 tomorrow the city said okay, we're done doing any

1 distribution of any smoking supplies or needles,

2 would you then try to get back into negotiations to

3 extend the lease?

4 MR. MINOIEFAR: Object to form, asked and

5 answered.

6 THE WITNESS: He said asked and answered.

7 BY MR. GEORGE:

8 Q. You can still answer?

9 A. Oh.

10 MR. MINOIEFAR: You can still answer the

11 question Ms. Manchester.

12 THE WITNESS: You know, I don't know. I

13 think it would have to be in tandem with other

14 things. It would have to be in tandem with

15 maintaining the street that way and continuing to

16 clean the rest of the Tenderloin. If I reopen, I'm

17 going to invest money I have no more money . So I'm

18 going to reinvest in a place I felt has not invested

19 in me. So --

20 BY MR. GEORGE:

21 Q. What relief is the Phoenix and Chambers

22 trying to get from this lawsuit?

23 MR. MINOIEFAR: Object to form.

24 THE WITNESS: Well, you know, this lawsuit

25 -- waits only started a year ago? Was it only